

III. REMARKS

Claims 12-18 and 20 are pending in this application. By this Amendment, claims 12 and 20 have been amended and claims 1-11 and 19 have been cancelled. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

In the Office Action, claims 12-20 are rejected under 35 USC §112, second paragraph, as allegedly being indefinite. Specifically, the Office interprets “probable” in the definition of “damaging temperature” as “establishing a probability” and asserts that “the specification does not establish a probability of damage at the silicidation temperature[.]” (Office Action at page 2). Applicants respectfully disagree because the Office applies an apparently non-applicable interpretation of the term “probable”. The term “probable” means “establishing a probability” in only limited situations, mainly in the field of legal evidencing, as the example “probable evidence” in Webster’s Dictionary (as cited by the Office) suggests. This interpretation does not apply to the damaging temperature in the claimed invention because it is not consistent with the context where the term “probable” is used. Note that “a temperature at which damage is establishing a probability to occur” is clearly an illogic statement, which illustrates that the Office’s above interpretation is defective. Applicants submit that in the context of the current specification, the phrase “is probable to” is equivalent to “is likely to be or become true or real” (Webster’s Dictionary). In addition, Applicants submit that the definition of “damaging temperature” is readily understandable to a person having ordinary skill in the art and is definite.

Moreover, Applicants submit that the specification does not need to establish a probability of damage at the silicidation temperature, because the claimed invention claims, *inter alia*, “the silicide section has a silicidation temperature less than a damaging temperature of the plurality of BEOL layers.” (Claim 12, emphasis added). In view of the foregoing, Applicants respectfully request withdrawal of the rejection under 35 USC §112, second paragraph.

In the Office Action, claims 12 and 18-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shiiki et al. (US 2002/0020879), hereinafter “Shiiki”, in view of Buskirk (US 2003/0122175), and further in view of Krishnan et al. (US 5, 451,551), hereinafter “Krishnan”; and claims 13-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shiiki in view of Buskirk, further in view of Krishnan, and further in view of Wolf, *Silicon Processing for the VLSI Era*, 1990, Volume II, page 146, hereinafter “Wolf.” Applicants respectfully submit that the claimed subject matter is allowable for the reasons stated below.

With respect to independent claims 12 and 20 as amended, the claimed invention includes, *inter alia*, “a polysilicon base positioned in the trough below the silicide section[.]” (Claim 12; similarly claimed in claim 20). Shiiki, Buskirk and Krishnan, either separately or in the suggested combination, do not disclose or suggest this feature. Shiiki only discloses that resistor 2 is formed of polycrystalline silicon (¶51), but does not disclose that resistor 2 includes a silicide section and a polysilicon base positioned below the silicide section. Buskirk discloses a conductive plug 16 under conductive line 30A (FIG. 1E), but conductive plug 16 is not a polysilicon base. In addition, neither Shiiki nor Buskirk discloses or suggests a polysilicon base positioned in a trough. Krishnan does not overcome the deficiencies of Shiiki and Buskirk. In view of the foregoing, Applicants submit that the suggested combination of Shiiki, Buskirk and

Krishnan does not make the claimed subject matter unpatentable, and respectfully request withdrawal of the rejection.

The dependent claims are believed allowable for the same reasons stated above, as well as for their own additional features.

Applicants respectfully submit that the application is in condition for allowance. Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

/Spencer K. Warnick/

Spencer K. Warnick
Reg. No. 40,398
(JZ)

Date: January 7, 2008

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)